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REMARKS

Applicants thank the Examiner for the very thorough consideration given

the present application.

Claims 11-14 and 18-21 are now present in this application. Claim 11 is

independent.

Claims 15-17 have been canceled, and claim 11 has been amended.

Reconsideration of this application, as amended, is respectfully requested.

I. Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be

entered into the Official File in view of the fact that the amendments to the

claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is

in condition for allowance, it is respectfully requested that this Amendment be

entered for the purpose of appeal. This Amendment reduces the issues on

appeal by reducing the number of pending claims, and by placing the claims in

compliance with 35 U.S.C. § 112, 1st and 2nd Paragraphs. This Amendment was

not presented at an earlier date in view of the fact that Applicants did not fully

appreciate the Examiner's position until the Final Office Action was reviewed.

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II. Objection to the Drawings

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. § 1.83(a), stating that the vertical orientation of the disk drive, as recited in claims 15-17, is not illustrated.

In order to overcome this objection, Applicants have canceled claims 15-17.

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character "300" has been used to designate both the "balance lever" and "sensor lever" in Figure 12, for example.

In order to overcome this objection, Applicants are concurrently submitting Proposed Drawing Corrections for the Examiner's approval, which address the deficiencies pointed out by the Examiner. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

III. Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claims 15-17 stand rejected under 35 U.S.C. § 112, 1st Paragraph. This rejection is respectfully traversed.

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The Examiner states that the original specification does not disclose the

vertical orientation of the disk drive, as recited in claims 15-17.

While not conceding the appropriateness of the Examiner's rejection, but

merely to advance prosecution of the instant application, Applicants respectfully

submit that claims 15-17 have been cancelled, thus rendering this rejection

under 35 U.S.C. § 112, 1st Paragraph, moot. Accordingly, reconsideration and

withdrawal of this rejection are respectfully requested.

IV. Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claims 11-21 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This

rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language

lacks antecedent basis.

In order to overcome this rejection, Applicants have amended claim 11 to

correct the deficiency specifically pointed out by the Examiner. Applicants

respectfully submit that the claims, as amended, particularly point out and

distinctly claim the subject matter which Applicants regard as the invention.

Accordingly, reconsideration and withdrawal of this rejection are respectfully

requested.

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V. Rejection Under 35 U.S.C. § 102

Claims 11-14, 18 and 19 stand rejected under 35 U.S.C. § 102(b) as being

anticipated by Morikawa et al. (U.S. Patent No. 5,173,893). This rejection is

respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office

Action, and is not being repeated here.

Applicants respectfully submit that independent claim 11 recites a

combination of elements in a disk transferring device including a holder guide

unit which is connected with the balance guide unit and is operated by operation

of the balance guide unit for guiding the disk moved by the moving unit and

guiding the disk until the disk transfer is finished. Applicants respectfully

submit that this combination of elements as set forth in independent claim 11 is

not disclosed or made obvious by the prior art of record, including Morikawa et

al.

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Applicants respectfully submit that according to Morikawa et al., when the

disc 106 is transferred and laid on the turntable 29, the disc 106 swings the

swing arm 38, and the protrusion 38b of the swing arm 38 pushes the detecting

pin 41. When the detecting pin 41 is pushed in this manner, the first link 42 is

swung about the pin 142, thereby sliding the second link 43 to activate the

loading arm operating mechanism 7.

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When the second link 43 is moved, the lock claw 58 is close to and

engaged with the engagement piece 131 of the centering arm 13 through the lock

arm 57. When the lock claw 58 is engaged with the engagement piece 131, the

rotation of the centering arm 13 is locked, and the additional disc insertion is

prevented by the centering pins 18 and 19 of the centering arms 13 and 14 (See

columns 7-8).

In the present invention, a holder guide unit, which the Examiner

considers to correspond to the arm lock mechanism 59 in Morikawa et al., is

connected with the balance guide unit and is operated by operation of the

balance guide unit for guiding the disk moved by the moving unit and guiding

the disk until the disk transfer is finished.

In contrast, in Morikawa et al., the arm lock mechanism 59 is not

operated by the centering arm 13, and moreover the arm lock mechanism 59

locks the rotation of the centering arm 13, differing from the claimed invention.

In addition, the holder guide unit of the claimed invention guides the disk while

the arm lock mechanism does not. The respective units of the claimed invention

operate by being connected with each other, but the arm lock mechanism 59 and

the centering arm 13 in Morikawa et al. independently operate.

Applicants respectfully submit that the combination of elements as set

forth in independent claim 11 is not disclosed or made obvious by the prior art of

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record, including Morikawa et al., for the reasons explained above. Accordingly,

reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 12-14, 18 and 19, Applicants submit that

claims 12-14, 18 and 19 depend, either directly or indirectly, from independent

claim 11 which is allowable for the reasons set forth above, and therefore claims

12-14, 18 and 19 are allowable based on their dependence from claim 11.

Reconsideration and allowance thereof are respectfully requested.

VI. Rejections under 35 U.S.C. § 103

Claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Morikawa et al. (U.S. Patent 5,173,893) in view of Agostini

(U.S. Patent No. 4,674,079). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office

Action, and is not being repeated here.

Applicants submit that claims 20 and 21 depend, either directly or

indirectly, from independent claim 11 which is allowable for the reasons set forth

above, and therefore claims 20 and 21 are allowable based on their dependence

from claim 11. Reconsideration and allowance thereof are respectfully requested.

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VII. Conclusion

All of the stated grounds of rejection have been properly traversed,

accommodated, or rendered moot. Applicants therefore respectfully request that

the Examiner reconsider all presently outstanding rejections and that they be

withdrawn. It is believed that a full and complete response has been made to the

outstanding Office Action, and as such, the present application is in condition

for allowance.

If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone

James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the

Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully

requested.

Applicants respectfully petition under the provisions of 37 C.F.R. §

1.136(a) and § 1.17 for a one-month(s) extension of time in which to respond to

the Examiner's Office Action. The Extension of Time Fee in the amount of

\$110.00 is attached hereto.

Attached hereto is a marked-up version of the changes made to the

application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent,

and future replies, to charge payment or credit any overpayment to Deposit

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Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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Attachment: Version with Markings to Show Changes Made

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 15-17 have been canceled.

Claim 11 has been amended as follows:

11. (Amended) A disk transferring device for a disk drive, comprising:

a moving unit for being contacted to one surface of a disk and rotated by the force of a driving source for thereby moving the disk;

a balance guide unit for guiding [an inserted] the disk for thereby precisely inserting the disk;

a holder guide unit which is connected with the balance guide unit and is operated by operation of the balance guide unit for guiding the disk moved by the moving unit and guiding the disk until the disk transfer is finished;

a selection guide unit which is connected with the holder guide unit for positioning the disk according to the size of the [inserted] disk; and

a clamping driving unit for clamping the disk, the clamping driving unit being interlocked with the selection guide unit.